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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,183	10/16/2003	Jung-Chih Tsao	TS03-120	7588

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EXAMINER

ESTRADA, MICHELLE

ART UNIT	PAPER NUMBER
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2823

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/687,183

Applicant(s)

TSAO ET AL.

Examiner

Michelle Estrada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 1-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 34-36, 38, 40, 41, 44-46 and 48-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Sugai (6,569,756).

Re claims 34 and 45, Sugai discloses forming a first copper layer (5) having first substantially vertical sidewalls, a planar bottom, and a concave top surface forming in an opening in a dielectric layer (2) on a substrate (1), said first copper layer having a first thickness and a grain density  $G_{D1}$ , said first substantially vertical sidewalls disposed along sides of said opening; and a second copper layer (6) disposed in said opening and having second substantially vertical sidewalls disposed along said sides of said opening, and a convex bottom surface that forms an interface with said concave top surface of said first copper layer, said second copper layer having a second thickness and a grain density  $G_{D2}$ ; each copper layer is made by different methods and conditions, the first copper layer has conditions as recited in Col. 5, heating being one of them, since temperature is one of the main condition to change the grain size and therefore

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grain density, then it could be say that the first copper layer has a grain density  $G_{D1}$  and the second copper layer has a grain density  $G_{D2}$ .

Re claims 35 and 46, Sugai discloses wherein said substrate is further comprised of an upper etch stop layer (11) and the opening (13) extends through said etch stop.

Re claim 36, Sugai discloses wherein said dielectric layer is comprised of  $\text{SiO}_2$  (Col. 4, lines 30-35).

Re claims 38 and 48, Sugai discloses further comprised of a conformal diffusion barrier layer (4) formed in said opening along the sidewalls and bottom of said first copper layer and along the sidewalls of said second copper layer (See fig. 1B).

Re claim 40, Sugai discloses wherein said copper interconnect has a sheet resistance that is nearly independent of the width of said first copper layer and the width of said second copper layer.

Re claims 41, 49 and 50, Sugai discloses wherein said opening is part of a pattern that includes a plurality of other openings having a pattern density and said copper interconnect has a sheet resistance ( $R_s$ ) that is nearly independent of said pattern density.

Re claim 44, Sugai discloses wherein the substrate could be layer (11) and is comprised of a metal layer and said first copper layer of said copper interconnect is formed above said metal layer and forms an electrical contact to said metal layer.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 37, 39, 42, 43, 47, 51 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugai as applied to claims 34-36, 38, 40, 41, 44-46 and 48-50 above, and further in view of the following comments.

Re claims 37, 39, 42, 43, 47, 51 and 52, One of ordinary skill in the art would have been led to the recited copper thickness and width, and grain density through routine experimentation to achieve a desired device dimension, device associated characteristics and device density on the finished wafer. Note that density is an optimizable variable since it depends on optimizable variables like quantity and volume.

In addition, the selection of copper thickness and width, and density, is obvious because it is a matter of determining optimum process conditions by routine experimentation with a limited number of species of result effective variables. These claims are prima facie obvious without showing that the claimed ranges achieve unexpected results relative to the prior art range. In re Woodruff, 16 USPQ2d 1935, 1937 (Fed. Cir. 1990). See also In re Huang, 40 USPQ2d 1685, 1688 (Fed. Cir. 1996)(claimed ranges or a result effective variable, which do not overlap the prior art ranges, are unpatentable unless they produce a new and unexpected result which is different in kind and not merely in degree from the results of the prior art). See also In

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re Boesch, 205 USPQ 215 (CCPA) (discovery of optimum value of result effective variable in known process is ordinarily within skill or art) and In re Aller, 105 USPQ 233 (CCPA 1995) (selection of optimum ranges within prior art general conditions is obvious).

Note that the specification contains no disclosure of either the critical nature of the claimed copper thickness and width, and density or any unexpected results arising therefrom. Where patentability is said to be based upon particular chosen copper thickness and width, and density or upon another variable recited in a claim, the Applicant must show that the chosen copper thickness and width, and density are critical. *In re Woodruff*, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

### ***Response to Arguments***

Applicant's arguments filed 4/21/06 have been fully considered but they are not persuasive. Applicant argues that the two copper films in Sugai do not have different grain densities. However, the first copper layer is made by CVD process with specific conditions as shown in Col. 5 and the second copper layer is made by sputtering with different conditions, therefore inherently both copper layers would have different grain densities.

The remaining arguments are moot in view of the new grounds of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Estrada whose telephone number is 571-272-1858. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Smith can be reached on 571-272-1907. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Michelle Estrada  
Primary Examiner  
Art Unit 2823

ME  
July 6, 2006